ADMINISTRATION OF ESTATES (INDIAN LAW)—*contd.*

1. Preliminary—*contd.*

Act 7, 1889 (Succession Certificates)—
- applies to whole of British India . . . . . Act7,1889,s.1(*3*).
declared in force in—
British Baluchistan . . . . . Reg.1,1890,s.3.
Angul District . . . . . Reg.1,1894,s.3.
Santhál Parganas . . . . . Reg.3,1872,s.3,Sch.
Upper Burma generally (except the Shan States) . . . Act13,1898,s.4,Sch.1.

Ben. Reg. 5, 1799 (Wills and Intestacies of Natives), declared in force—
throughout Agra Province, Bengal (except Sambalpur District) and Eastern Bengal, except as regards the Scheduled Districts. } Act15,1874,ss.6,7.
in Sambalpur District (in Bengal) and the Central Provinces (ss. 4, 5, 6, with a modification) . . . . . } Act20,1875,s.3.
in Ajmere (ss. 4, 5, 6, with a modification) . . . . . Reg.3,1877,s.3.

Ben. Reg. 5, 1827 (Management of Estates), declared in force—
throughout Agra Province, Bengal (except Sambalpur District) and Eastern Bengal, except as regards the Scheduled Districts. } Act15,1874,ss.6,7.
in Sambalpur District (in Bengal) and the Central Provinces (with modifications) . . . . . } Act20,1875,s.3.
in Ajmere (with modifications) . . . . . Reg.3,1877,s.3.

Bom. Reg. 8, 1827 (Administration)—
declared in force throughout the Presidency of Bombay, except as regards the Scheduled Districts . . . . . } Act15,1874,s.5.
extended to Sindh . . . . . Bom.Act12,1866,s.12.

Mad. Reg. 3, 1802 (Administration), s. 1 and part of s. 16, declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts . . . . . } Act15,1874,s.4,Sch.2.

Mad. Reg. 5, 1829 (Administration, etc.), declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts . . . . . } „ s.4.

Act 10, 1865 (Indian Succession Act), application of :
The Act does not apply to wills made or intestacies occurring before 1st January, 1866 . . . } Act10,1865,s.331.
„ „ „ „ „ in case of Hindus, Muhammadans or Buddhists . . . . . } „ s. 331.
„ „ „ „ „ to intestate property dealt with by Commissioner of Police in Bombay City . } Bom.Act4,1902,s.50.
Power to exempt race, sect or tribe from operation of the Act . Act10,1865,s.332.
S. 187 of the Act applied to certain wills of Hindus, Jainas, Sikhs and Buddhists . . . . . } Act21,1870,s.2.
Ss. 190, 239 not to apply to property of Native Christian dying intestate . . . . . } Act7,1901,s.3.

Act 5, 1881 (Probate and Administration), applies in case of Hindus, Muhammadans, Buddhists and persons exempted from operation of Act 10, 1865 ; but certain Courts must be empowered by notification before receiving applications for probate or letters of administration . . . . . } Act5,1881,s.2.

Probate or administration in case of Hindus, Muhammadans, Buddhists and persons exempted from operation of Act 10, 1865, to be granted only under Act 5, 1881 . . . . . } „ s.150.

General definitions . . . . . } Act10,1865,s.3. Act5,1881,s.3.

ADMINISTRATION OF ESTATES (INDIAN LAW)—*contd.*

2. Grant of Probates and Letters of Administration.

Legal position of executor or administrator . . . . . Act10,1865,s.179. Act5,1881,s.4.

Grant of administration with copy annexed of authenticated copy of will proved abroad . . . . . Act10,1865,s.180. Act5,1881,s.5.

Probate to whom granted . . . . . Act10,1865,ss.181to185. Act5,1881,ss.6to10.

Accrual of representation to surviving executor . . . . . Act10,1865,s.186. Act5,1881,s.11.

Probate or letters of administration required to establish right of executor, legatee, etc. . . . . Act10,1865,ss.187,190.

Effect of probate and letters of administration . . . . . Act10,1865,ss.188,191, 192,242,260. Act5,1881,ss.12,14,15, 59,82.

Renunciation by executor . . . . . Act10,1865,ss.193to195. Act5,1881,ss.16to18.

Letters of administration to whom granted . . . . . Act10,1865,ss.189,195to 207. Act5,1881,ss.13,18to23.

Grants limited in duration . . . . . Act10,1865,ss.208to211. Act5,1881,ss.24to27.

„ for use and benefit of others having right . . . . Act10,1865,ss.212to218. Act5,1881,ss.28to34.

„ for special purposes . . . . . Act10,1865,ss.219to225. Act5,1881,ss.35to41.

„ with exception; grants of the rest . . . . . Act10,1865,ss.226to228. Act5,1881,ss.42to44.

„ of effects unadministered . . . . . Act10,1865,ss.229to231. Act5,1881,ss.45to47.

Practice in granting probates and letters of administration:

District Judge to have jurisdiction . . . . . Act10,1865,s.235. Act5,1881,s.51.

Power to appoint District Delegates for non-contentious cases . Act10,1865,s.235A. Act5,1881,s.52.

Powers and procedure of District Judge as to grants . . Act10,1865,ss.236to238, 240, 261. Act5,1881,ss.53to57,83.

When and how District Judge to interfere for protection of property pending grant . . . . . Act10,1865,s.239.

Powers of District Delegate as to grants and reference to District Judge . . . . . Act10,1865,ss.241A, 253A,253B,253C. Act5,1881,ss.58,73to75.

Transmission to other Courts of certificate by High Court making grant . . . . . Act10,1865,s.242A. Act5,1881,s.60.

Petitions for grant . . . . . Act10,1865,ss.243to246, 246A,247to249. Act5,1881,ss.61to68.

Examination of petitioner, etc., publication of citation . . Act10,1865,s.250. Act5,1881,s.69.

Caveats . . . . . Act10,1865,ss.251to253. Act5,1881,ss.70to72.

Form of grant . . . . . Act10,1865,ss.254,255. Act5,1881,ss.76,77.

ADMINISTRATION OF ESTATES (INDIAN LAW)—*contd.*

2. Grant of Probates and Letters of Administration—*contd.*

Practice in granting probate and letters of administration—*contd.*

Administration bond	Act10,1865,ss.256,257. Act5,1881,ss.78,79.
Time for grant	Act10,1865,s.258. Act5,1881,s.80.
Filing of original wills	Act10,1865,s.259. Act5,1881,s.81.
Power to refuse letters of administration	Act5,1881,s.85.
Appeals from orders of District Judge	Act10,1865,s.263. Act5,1881,s.86.
Concurrent jurisdiction of High Court	Act10,1865,s.264. Act5,1881,s.87.
Alteration and revocation of grants	Act10,1865,ss.232to234, 262,333. Act5,1881,ss.48to50,84, 157.

3. Rights, Powers and Liabilities of Executors and Administrators.

Executors of their own wrong; definition and liabilities of	Act10,1865,ss.265,266.
General powers of executors and administrators	Act10,1865,ss.267to275. Act5,1881,ss.88to96. Act6,1889,s.19.
,, duties ,, ,, ,,	Act10,1865,ss.276,277, 277A,278to291. Act5,1881,ss.97to111.
Executor's assent to a legacy	Act10,1865,ss.292to297. Act5,1881,ss.112to117, 148.
Payment and apportionment of annuities	Act10,1865,ss.298to300 Act5,1881,ss.118to120,148.
Investment of funds to provide for legacies	Act10,1865,ss.301to308. Act5,1881,ss.121to127,148.
Produce and interest of legacies	Act10,1865,ss.309to315. Act5,1881,ss.128to138.
Refunding of legacies	Act10,1865,ss.316to325. Act5,1881,ss.135to144,148.
Residue to be paid to residuary legatee	Act10,1865,s.326. Act5,1881,s.145,148.
Transfer of assets from British India to executor or administrator in country of domicile for distribution	Act10,1865,s.326A, Act5,1881,ss.145A,148.
Liability of executor or administrator for devastation, etc.	Act10,1865,ss.327,328. Act5,1881,ss.146,147.
Action by or against executor or administrator in respect of wrong done during life of deceased occasioning pecuniary loss to his estate or for which he would have been liable to an action	Act12,1855.
Power of High Court to remove, etc., private executor or administrator and appoint successor	Act5,1902,s.4(2).
Power of High Court to give general or special direction to private executor or administrator in respect of administration	,, s.5(2).
Power of executor or administrator to incur expenditure for certain purposes	,, s.7.

ADMINISTRATION OF ESTATES (INDIAN LAW)—*contd.*

3. Rights, Powers and Liabilities of Executors and Administrators—*contd.*

Procedure in suit by or against executor or administrator. *See* CIVIL PROCEDURE, 4.

Collection and refund of court-fees. *See* COURT-FEES, 3.

4. Wrongful possession of property of deceased.

Summary suit on complaint against wrongful possession	Act 19, 1841, ss. 1 to 4, 18.
Curator; appointment, powers, remuneration, etc., of	,, ss. 5 to 13.
,, public; powers to appoint	,, s. 19.
,, cessation of powers of, on grant of certificate to collect debts, etc.	Act 7, 1889, s. 23.
Limitations on operation of Act 19, 1841	Act 19, 1841, ss. 14 to 16.
Saving of right to bring regular suit	,, s. 17.

5. Collection of debts on succession.

(*a*) PRELIMINARY.

Act 7, 1889, local extent (*See* 1, *above*).

Definitions	Act 7, 1889, s. 3.

(*b*) CERTIFICATE TO COLLECT DEBTS.

Grant of certificate by Court	Act 7, 1889, ss. 5 to 8.
Certificate not to be granted under Act with respect to debt to which right can be established by probate or letters of administration	,, s. 1(*d*).
Grant of certificate to Native Christians	Act 7, 1901, s. 5.
Requisition of security from grantee of certificate	Act 7, 1889, s. 9.
Extension of certificate to other debts, and amendment of certificate	Act 7, 1889, ss. 10, 12.
Form of certificate	,, s. 11, Sch. II.
Court-fee on certificate	,, ss. 13, 14.
Local extent and effect of certificate	,, ss. 15 to 17.
Revocation of certificate	,, s. 18.
Appeal from order granting, etc., certificate	,, s. 19.
Effect on certificate of previous certificate or of probate or letters of administration	,, ss. 20, 21.
Validation of certain payments made in good faith to holder of invalid certificate	,, s. 22.
Surrender of superseded and invalid certificates	,, s. 27.

(*c*) MISCELLANEOUS.

Investiture of inferior Courts with jurisdiction of District Court	,, s. 26.
Act 7, 1889, not to bar suits, etc.	,, s. 25.
Proof of representative title a condition precedent to recovery through Court of debts from debtors of deceased persons	,, s. 4.
Validation of probates and letters of administration granted by High Courts or Recorder of Rangoon for purpose of collecting debts, etc.	,, s. 24.

ADMINISTRATION OF ESTATES (INDIAN LAW)—*contd.*

6. Special and Local.

Administration of estates of military men. *See* ARMY, 6 (*e*) (2).

" " by official administrator. *See* ADMINISTRATOR GENERAL.

Payment of deposits in Government Savings Bank belonging to estate of deceased person. *See* BANK, 2.

Payment out of Provident Fund to representative of deceased person. *See* PROVIDENT FUND.

(*a*) AGRA, AJMERE, BENGAL, CENTRAL PROVINCES, EASTERN BENGAL AND ASSAM.

Executors of Hindus, Muhammadans, etc., to take charge of estate without interference by Courts	[Agra,Ben.(except Sambalpur),E.B.&A.] Ben.Reg.5,1799,s.2.
S. 2 of Ben. Reg. 5, 1799, repealed so far as relates to executors of persons who are not Muhammadans, but are subject to jurisdiction of District Courts in Bengal or Assam	Act 21,1870,s.4.
Heirs of Hindus, Muhammadans, etc., dying intestate not bound to apply to Court for permission to take possession of estate	[Agra,Ben.(exceptSambalpur),E.B.&A.] Ben.Reg.5,1799,s.3.
Reference to Court when succession disputed between several claimants	(Agra,Aj.,Ben.,C.P.,E.B.&A.)Ben.Reg.5,1799,s.4.
So much of ss. 2 and 3 of Ben. Reg. 5, 1799, as restricts the interference of Civil Courts in cases of inheritance by minors, repealed	Act40,1858.
When Court may appoint administrator; security to be given by him	(Agra,Aj.,Ben.,C.P.,E.B.&A.)Ben.Reg.5,1799,ss.5,6.
Management of estate through Collector of district, when action taken under Ben. Reg. 5, 1799, ss. 5, 6	(Agra,Aj.,Ben.,C.P.,E.B.&A.)Ben. Reg.5,1827.
"Local Government" substituted for "Board of Revenue" in Ben. Reg. 5, 1827, s. 3	(Aj.)Reg.3,1877,s.3,Sch.II. (C.P.andSambalpur) Act20,1875,s.3,Sch.(col. 4 of Sch. rep. as to Sambalpur, Act7,1905).
District Judge to interfere for protection of property of intestate when there is no claimant	[Agra,Ben.(exceptSambalpur),E.B.&A.] Ben.Reg.5,1799,s.7.
"Local Government" substituted for "Governor General in Council" in Ben. Reg. 5, 1799, s. 7	(Agra)Act 19,1886,s.2,Sch.
Ben. Reg. 5, 1799, not to affect jurisdiction of Court of Wards	[Agra,Ben.(except Sambalpur),E.B.&A.]Ben.Reg.5, 1799, s. 8.
Transfer to Subordinate Judge or Munsif of proceedings under Ben. Reg. 5, 1799, Act 10, 1865, or Act 5, 1881	[Agra,Ben.(exceptSambalpur),E.B.&A.],Act12, 1887,s.23.
Validation of grants of probate or administration made in Lower Burma	Act5,1881,s.155.

(*b*) BOMBAY PRESIDENCY.

Heirs, executors or legal administrators may assume management of estate, without applying to Court	Bom.Reg.8,1827,s.1.
Procedure where heir, etc., applies for recognition by Court; grant of certificate by Court	" ss.2(*1*),3to5, App.A,B.
Powers and liabilities of heir, etc., holding certificate	" s.7

ADMINISTRATION OF ESTATES (INDIAN LAW)—*contd.*

6. Special and Local—*contd.*

(*b*) BOMBAY PRESIDENCY—*contd.*

Right to institute suit if certificate refused	Bom.Reg.8,1827,s.8.
District Judge to interfere for protection of property where no claimant, etc.; appointment of administrator and security to be given by him	,, ss.9to11. App.C.
Act 5, 1881, s. 98; and certain sections of Act 7, 1889, to apply to certificates granted under Bom. Reg. 8, 1827	Act7,1889,s.28.
Grant of probate or administration under Act 5, 1881, supersedes certificate granted under Bom. Reg. 8, 1827	Act5,1881,s.152.

(*c*) MADRAS PRESIDENCY.

Executors of Muhammadans, etc., to take charge of estate without interference by Courts	Mad.Reg.3,1802,s.16(*2*).
Mad. Reg. 3, 1802, s. 16 (*2*), repealed, so far as it applied to Hindus	Mad.Reg.5,1829,s.2.
Heirs of Hindus, Muhammadans, etc., not bound to apply to Court for permission to take possession of estate	Mad.Reg.3,1802,s.16(*3*). Mad.Reg.5,1829,s.3.
Reference to Court when succession disputed between several claimants	Mad.Reg.3,1802,s.16(*4*). Mad.Reg.5,1829,s.3.
When Court may appoint administrator; administration when to cease; security to be given by administrator	Mad.Reg.3,1802,s.16(*5*), (*6*). Mad.Reg.5,1829,s.3.
District Judge to interfere for protection of property when there is no claimant	Mad.Reg.3,1802,s.16(*7*). Mad.Reg.5,1829,s.3.

(*d*) CASES GOVERNED BY ENGLISH LAW.

Acts 27 and 28, 1866, apply only to cases to which English law is applicable	Act27,1866,s.3. Act28,1866,s.45.
Power of High Court to make order for disposal of stock, etc., held by executor or administrator who—	
is of unsound mind	Act27,1866,ss.7,20.
is out of jurisdiction or cannot be found, etc.	,, s.24.
Effect of such order	Act27,1866,ss.25to29.
Power of High Court to direct how right to transfer stock, etc., vested under Act shall be exercised	,, s.34.
Power of High Court to make order as to costs under Act	,, s.43.
Stamp-duty on orders made under Act	,, s.48.
Power of High Court to postpone making order under Act until petitioner's right declared in suit	,, s.51.
Indemnity to persons obeying orders made under Act	,, s.52.
Order under Act to have force of decree	,, s.53.
Power of executor to raise money by sale, notwithstanding want of express power in will	Act28,1866,ss.25to28.
Power of executor to compound, etc.	,, s.38.
Power of executor or administrator to distribute residue of estate—	
after making payments due in respect of lease or other conveyance and setting apart fund to answer future claims	,, ss.40,41.
after expiry of time notified by him for receipt of claims	,, s.42.

ADMINISTRATION OF ESTATES (INDIAN LAW)—*concld.*

6. Special and Local—*concld.*

(*d*) CASES GOVERNED BY ENGLISH LAW—contd.

Right of executor or administrator to apply to High Court for advice . . . . . Act28,1866,s.43.

(*e*) POWERS OF POLICE IN PRESIDENCY-TOWNS.

Delivery by police in Presidency-towns to person entitled, of moveable property of intestate worth less than Rs. 200. *See* POLICE, I.

Above provisions not affected by Administrator General's Act . Act2,1874,s.66. Bom.Act4,1902,s.50.

ADMINISTRATOR GENERAL'S ACT { 1874 / 1881 } *See* ADMINISTRATION OF ESTATES (INDIAN LAW; ADMINISTRATOR GENERAL; OFFICIAL TRUSTEE; UNCLAIMED ASSETS . . . Act2,1874. Act9,1881.

ADMINISTRATOR GENERAL.

1864. Act 17, s. 6 (Official Trustee).
1870. Act 21, s. 5 (Wills of Hindus).
1872. Act 5, s. 2 / Act 20 (Jurisdiction in Sindh).
,, Reg. 3, s. 3 (Laws, Santhál Parganas).
1874. Act 2 (Administrator General).
,, Reg. 9, s. 3 (Laws, Arakan Hills).
1879. Act 3, ss. 3, 5 (Destruction of Records).
1881. Act 5, s. 149 (Probate and Administration).
,, Act 9 (Administrator General).
1882. Act 2, s. 50 (Trusts).
,, Act 6, s. 144 (Companies).
1890. Act 2 (Administrator General).
,, Reg. 1, s. 3 (Laws, British Baluchistan).
1893. 56-7 V. c. 5, ss. 14, 19, 23 (Regimental Debts).
1894. Reg. 1, s. 3 (Laws, Angul).
1898. Act 13, s. 4 (Laws, Burma).
1899. Act 2, s. 3, Sch. 1, art. 62 (*d*) (Stamps).
1902. Act 5 (Administrator General and Official Trustee).
,, Bom. Act 4, s. 50 (Police, Bom. City).
1908. Act 16, s. 88 (Registration).
1909. Act 3, s. 111 (Insolvency, Presidency-towns and Rangoon).

1. Preliminary.
2. The Office of Administrator General.
3. Rights, Powers and Duties.
4. Commission of Administrator General.
5. Accounts and Schedules.
6. Miscellaneous.

1. Preliminary.

Act 2, 1874, extends to whole of British India and, as regards British subjects, to Native States . . . . Act2,1874,s.1.

declared in force in—

Upper Burma (except the Shan States) . . Act13,1898,s.4.
the Santhál Parganas . . . . . Reg.3,1872,s.3.Sch.
the Arakan Hill District . . . . . Reg.9,1874,s.3.
British Baluchistan . . . . . Reg.1,1890,s.3.
Angul District . . . . . Reg.1,1894,s.3.

not to apply to cases of intestate property dealt with by Commissioner of Police in Bombay City . . . . Bom.Act4,1902,s.50.

2. The Office of Administrator General.

Administrator General to be appointed for each of the Presidencies of Bengal, Madras and Bombay . . . . . Act2,1874,s.4.